

**Minutes
Bar Harbor Planning Board
June 4, 2008**

Members present: Kay Stevens-Rosa, Chair; Kevin Cochary, Secretary; Lynne Williams; Dave Bowden

Also present: Anne Krieg, Town Planner; Kris Hultgren, Staff Planner

I. CALL TO ORDER — 5:38 p.m.

II. EXCUSED ABSENCES

III. ADOPTION OF THE AGENDA

Ms. Williams made a motion to adopt the agenda. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

IV. APPROVAL OF MINUTES

Ms. Williams made a motion to approve the minutes from the May 14 and May 21 meetings. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

V. REGULAR BUSINESS

A. Public Hearing – SD-07-04 – Phillips-Gray

Project Location: Crooked Road, Bar Harbor Tax Map 227 Lots 95 & 97

Applicant: Nyoka Gray and Donald Phillips Trust

Application: Proposes to rearrange lot lines and create 3 lots.

Mr. Bowden made a motion to table the item to the June 18 meeting at the applicant's request. Ms. Williams second and the Board voted 3-0 to approve the motion with Mr. Cochary abstaining.

B. Public Hearing – SD-07-06 – Owl's Nest Subdivision

Project Location: Stony Brook Way, Bar Harbor Tax Map 208, Lot 96

Applicant: Owl's Nest, LLC

Application: Proposes a 10 lot residential subdivision

Mr. Cochary made a motion to table the item to the June 18 meeting at the applicant's request. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

VI. OTHER BUSINESS

A. Land Use Ordinance Updates

- Planned Unit Development

Ms. Krieg gave an overview of the changes since the last meeting.

Ms. Williams noted that she favors a choice between opting out of affordable housing by paying into an affordable housing fund.

Mr. Bowden commented that he favors forming a committee to study the issue further. He went on to say that a tiered system for different levels of affordability is favorable.

Ms. Stevens-Rosa noted that a committee is a valuable tool for changes but also thinks that small changes can be made in the short term and those changes can have positive results.

Mr. Cochary supports the formation of a committee to give this difficult issue a thorough review to make the right changes. He noted a desire to not be rushed through this process.

The Board discussed whether to require a yield plan from the developer as part of the application. Mr. Bowden cautioned that adding more steps to the PUD-O process will discourage developers from using the PUD-O option. Ms. Krieg noted that to encourage the use of PUD-O less steps is better but she also noted that a yield plan is a valuable tool to analyze a project. Mr. Bowden favored making the yield plan an option if the Board felt it would be useful. The Board decided to endorse language to empower the Board to require a yield plan if they want.

The Board decided to remove the minimum 15 acre lot size for a PUD-O.

The Board discussed the provision that only 50% of land on a parcel subject to PUD-O be marginal land. The Board decided to table this item for future discussion.

Mr. Bowden expressed his desire to see a committee with around 5 members to keep it relatively small so meeting times can be more flexible. The consensus of the Board was smaller is better. Ruth Eveland, Chair of the Town Council, noted that she favors a task force that is small and focused. She also favors aligning changes to the affordable housing component with the budget process. Sam Coplon noted that establishing a committee should have a budget to update an affordable housing study from John Ryan a few years ago.

Mr. Cochary and Ms. Williams both noted a desire to have more data than just county data.

Jules Opton-Himmel commented about the Board's discussion on PUD-O. He noted that there are many elements that can be improved upon but it's important for the town to encourage PUDs over conventional subdivisions.

John Kelly, Acadia Park Planner, offered that preserving 50% of open space is adequate if no affordability is part of the PUD-O.

The Board continued to discuss the affordability component of the PUD-O.

Mr. Coplon encouraged the Board to make small changes now and continue to improve the ordinance moving forward.

The Board discussed how to make changes and get them to the Council by their next meeting. Mr. Bowden expressed some reservation about making changes to the ordinance in the limited amount of time before the Council deadline.

The Board agreed to meet at 5pm on Wednesday, June 11, to make final changes to the PUD-O ordinance.

Mr. Cochary made a motion to direct staff to make updates to the proposed PUD-O changes and for the Board to hold a meeting to discuss changes on June 11 at 5 pm. Ms. Williams seconded and the Board voted unanimously to approve the motion.

- Wireless Communication Facilities

Ms. Krieg and Mr. Hultgren updated the Board on the Board's requested changes to the proposed ordinance from the last meeting.

Ms. Williams noted that she is in favor of the approach to cell phone towers taken by the town of Camden in which they created zones where towers are allowed. She commented that the town should have more control over where it wants towers instead of where the companies want towers.

Laureen Donnelly, a resident of Bar Harbor, commented about the vulnerability of children at home and favors a setback to residences.

Judith Blank, a resident of Bar Harbor, spoke to the underlying health risks of these towers.

The Board discussed the setback provision in the proposed ordinance.

Ms. Williams made a motion to increase setbacks from 500 feet to 1500 feet and remove the term "private school" from the setback requirements. Mr. Cochary seconded and the Board voted unanimously to approve the motion.

Barbara Meyers, a resident of Cranberry Isle, suggested a special use permit to allow for the installation of cell phone towers. She also noted studies in Europe that show a link between radiation emitted by cell phone towers and health problems.

Mr. Bowden made a motion to table the discussion on the wireless ordinance and move on to the next agenda item. Mr. Cochary seconded. After discussion by the Board, Mr. Bowden withdrew his motion.

Ms. Williams made a motion to direct staff to make the Board's requested changes and clarify areas that may be contradictory and vote next week on a revised draft. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

- Dark Sky Lighting Ordinance

Mr. Krieg updated the Board on the progress of the Ordinance.

The Board discussed the discomfort glare definition and decided to remove it.

The Board discussed enforcement issues; specifically, how light trespass would be measured to verify compliance. Ms. Krieg noted that the town would have to buy a device to measure light candles and train the appropriate staff.

Laureen Donnelly noted that businesses were in favor of a sunset provision during the comprehensive plan discussions.

The Board decided to make any final changes to the ordinance at the meeting scheduled for June 11.

- Site Plan Review Procedure

Ms. Krieg updated the Board on changes from the last meeting.

Mr. Bowden made a motion to recommend the amendments to the Town Council for fall town meeting. Mr. Cochary seconded and the Board voted unanimously to approve the motion.

B. June 17 Town Council Meeting

The Board discussed the June 17 Town Council meeting.

VII. PLANNING DIRECTOR'S REPORT

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

IX. ADJOURNMENT – 9:38

Mr. Bowden made a motion to adjourn. Ms. Williams seconded and the Board voted unanimously to approve the motion.

Signed as approved:

Kevin Cochary, Secretary
Planning Board, Town of Bar Harbor

Date